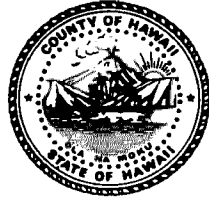


Harry Kim
Mayor

Roy Takemoto
Managing Director

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County of Hawai'i
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Director

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Deputy Director

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January 24, 2020

Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
75-5749 Kalawa Street, Suite 201
Kailua-Kona, HI 96740-1818

Dear Ms. Yamasaki:

**THIRD & FOURTH TIME EXTENSION REQUESTS & DEFER ACTION
SUBDIVIDER: RULLO, Donald S.**

"Ho'omau I Mua Planned Unit Development"

Proposed Subdivision of Lot 8,
Being a Portion of Grant 2571,
Into Lots 1 through 33, Inclusive and Lot R-1 (Road Lot)
'Opihihale 1st, South Kona, Island of Hawai'i, Hawai'i
TMK: 8-7-013:006 (SUB-11-001110)

This is to acknowledge multiple requests for time extension of the Tentative Approval (TA) dated September 21, 2012 for the subject application. While the interested agencies have not revised their comments as of late 2017, we are desirous of an update to the subdivider's pursuit of approvals requested/required by the Department of Land and Natural Resources' Historic Preservation Division. The last communication on the matter from Mr. Rullo was in 2013, stating that DLNR-HPD had been contacted but that no response had been received. In addition, we are aware of historic properties and trails in the project area.

We reiterate that a public access plan to and along the shoreline and that there are also historic sites located on the property that will require mitigative measures. Condition Nos. 1 & 2 of said TA are restated here for ready reference. Condition Nos. 4 & 7 of approved Planned Unit Development Permit PUD-05-000002 are also restated. We are also including Condition No. 3 of approved Water Variance VAR-06-000075:

SUB-11-001110 TA

- 1) Archaeological and Historical
 - a) Submit a Data Recovery Report to the Department of Land and Natural Resources' Historic Preservation Division (DLNR-HPD) in response to the previous Data Recovery Plan.
 - b) Prepare an Archaeological Inventory Survey of such scope as may be required by the DLNR-HPD. Contact Mike Vitousek at michael.vitousek@hawaii.gov or Amy Rubingh, Archaeologist-Kona, at Amy.Rubingh@hawaii.gov for guidance on this matter.
- 2) Public Access
 - a) In consultation with the Planning Department, Na Ala Hele Trail and Access Program and the Ala Kahakai National Historic Trail Program, prepare a Shoreline Public Access Plan that addresses all elements in our guide to "What Should be included in a Public Access Plan" (enclosed) and provides for lateral shoreline and mauka-makai public access through the subject property.
 - b) The Shoreline Public Access Plan shall be submitted to and approved by the Planning Director.

PUD-05-000002

4. Review by the State Department of Transportation, State Historic Preservation Division, Na Ala Hele, Ala Kahakai. The Applicant shall provide sufficient number of copies of the preliminary plat (13 copies) to enable review of the preliminary plat by the State Department of Transportation (to determine whether any improvements are necessary to the intersection at Mamalahoa Highway due to the additional 33 lots), State Historic Preservation Division (to determine adequacy of the protection measures for the preserved archaeological sites), and the Na Ala Hele and Ala Kahakai programs (to assess shoreline access). The tentative approval will incorporate pertinent requirements from those agencies for Applicant's compliance.
7. Public Access and Archaeological Sites Buffer Easements. The preliminary and final plat maps shall show easements for public access (mauka-makai and lateral as required by Hawaii County Code Chapter 34 for subdivisions resulting in 6 or more lots) and archaeological buffers. The lateral public access shall reflect any agreements with the Na Ala Hele and/or Ala Kahakai programs, as applicable. The public access easement shall include an appropriate space for public parking. The subdivider shall submit a public access plan with the preliminary plat map to explain compliance with Hawai'i County Code Chapter 34.

VAR-06-000075

3. Submit alternative water system construction plans for PUD-05-000002's water system and construct alternative water supply system from a single well source State of Hawaii Permit-Well No. 1652-02 and 2 separate steel 50,000 gallon water storage tanks, and other water system appurtenances on TMK: (3) 8-7-013:089 or single 100,000 gallon steel tank, together with water lines and service stubbed out to each lot arising out of PUD-05-000002 excepting proposed Lot No. 33 which is to remain in its natural state & undeveloped containing approximately 44.09 acres. The private water distribution system shall be designed and engineered by a licensed professional engineer, to provide water at domestic volume and pressure to buildable lots arising out of PUD-05-000002 or proposed subdivision; and, the engineer shall determine and certify that the requested alternatives to the DWS standards will provide functionally equivalent service. The subdivider shall provide connections to the water tank or tanks as requested by the Fire Department for firefighting purposes. The plans shall be approved, and the necessary improvements bonded or constructed prior to final subdivision approval.

This extension of time for compliance with these, and all other conditions of these documents, in a timely manner, is expected. We will require a comprehensive progress report in order for any future time extension requests to be considered by this office. Failure to show good faith efforts at compliance with these entitlements will be cause for the Planning Director to take appropriate action to have them deemed **withdrawn and/or null and voided**.

Therefore, please be informed that a fourth extension of time until September 21, 2020, for the submission of the final plat map and until September 21, 2022, for the completion of subdivision improvements, pursuant to Condition Nos. 9 & 10 of the Tentative Approval letter of September 21, 2012, is hereby granted.

Please be advised that Ordinance No. 92-138, adopted by the County Council on December 4, 1992, amended Chapter 23 of the Hawai'i County Subdivision Control Code, reads in part, as follows:

"The subdivider shall complete all requirements specified as conditions for approval of the preliminary plat (tentative approval) within three years of said approval. An extension of not more than two (2) years may be granted by the director upon timely written request by the subdivider."

Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
January 24, 2020
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The ordinance also makes provisions for those pending subdivision applications which were granted tentative approval prior to the adoption of said ordinance, as follows:

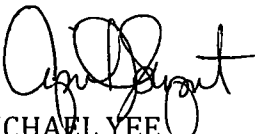
“This subsection shall be applied to all subdivision applications which have received tentative subdivision approval and which have not completed subdivision improvements, provided the three year period, and extension, if applicable, shall be taken from December 4, 1992 and not from the date of preliminary plat (tentative) approval.”

Therefore, all conditions of the Tentative Approval dated September 21, 2012, must be complied with by September 21, 2022.

Should the conditions of tentative approval not be completed within the time limit, the approval of the preliminary plat shall expire and shall be of no further force or effect, or shall be subject to the technical review of the applicable agencies for compliance with current code and rule requirements.

Should you have any questions, please feel free to contact Hans Santiago at hans.santiago@hawaiicounty.gov or Jonathan Holmes at jonathan.holmes@hawaiicounty.gov of this department.

Sincerely,


MICHAEL YEE
Planning Director

JRH:tb

\\coh33\planning\public\Admin Permits Division\Subdivision\2020\2020-1\SUB-11-001110Rullo Ack3rd&4thTEReqDefer 01-24-20.docx

Encl.: Guide to Public Access

xc: Manager, DWS
Director, DPW
District Environmental Health Program Chief, DOH
District Engineer, DOT
Planning Department-Kona
Amy Rubingh, Archaeologist-Kona, DLNR-HPD via email Amy.Rubingh@hawaii.gov
Na Ala Hele Trails & Access
Ala Kahakai National Historic Trail
PD-Long Range Division (Public Access issues)
Donald S. Rullo
PUD-05-000002; VAR-06-000075; SUB 7235

What Should be Included in a Public Access Plan

Each situation will be different depending on permit conditions, the type of access it is, and its location. This list is intended to guide the applicant in creating a Public Access Plan that is consistent with intent of Chapter 34 (H.C.C.) and Chapter 205-A (H.R.S.). The applicant is responsible for the creation and submittal of a comprehensive and complete Public Access Plan acceptable to the Planning Director.

Location

- A required public access easement must be sufficiently described by metes and bounds and encumbered to ensure accessibility from a public right-of-way. Metes and bounds descriptions and formal easements are not always necessary for SMA permits.
- In Subdivision maps, the easements should be clearly noted a “Public Access.” Any public access plan required by condition of a permit that does not require the granting of an easement shall include a map or site plan that clearly delineates the Public Access.
- When recordation is required, the Applicant shall provide the Planning Department with a copy of the recorded document.

Construction

- The plan shall include a timeframe for completion of any required construction of the access as well as specifics on the type and width of surfacing, landscaping, accessory amenities, etc.

Parking

- The plan must address the need for parking, including, but not limited to, the number of spaces, surfacing, and ADA accessibility.

Hours

- The plan must specify the hours of availability for the Public Access.

Signage & Sign replacement

- The plan shall identify what Shoreline Public Access signage, if any, shall be installed and who will be responsible for its purchase installation, maintenance, and replacement. Basic SPA signs may be purchased from the County via the Planning Department depending on availability. Otherwise, the Planning Department will provide the applicant with appropriate signage specifications and provider information so the applicant may acquire signage independently.

Rules

- Any special or site specific rules the applicant deems necessary shall be clearly articulated in the plan and approved by the Planning Director.

Maintenance responsibility

- The plan shall clearly identify who is responsible for any maintenance requirements to ensure the required Public Access and any required amenities remain in a suitable condition for use as they are needed.